

**MINUTES FOR THE FEBRUARY 12, 2019
REGULAR MEETING OF THE SSJID BOARD OF DIRECTORS**

The Board of Directors of the South San Joaquin Irrigation District met in regular session in the District Boardroom at 9:00 a.m. President Kamper called the meeting to order and led the flag salute. Upon roll-call the following members were noted present:

DIRECTORS: HOLBROOK HOLMES KAMPER KUIL ROOS

ABSENT: NONE

Also present were General Manager, Peter M. Rietkerk; General Counsel, Mia Brown; Engineering Department Manager, Forrest Killingsworth, and Clerk of the Board, Betty Garcia.

Public Comment

Director Roos took a moment to pray for the family members on the loss of our Division Manager, Joe “Sheriff” Lourenco.

Mr. Matt Friederich with Lakeview Ranch Partners, LLC. addressed the board and expressed Lakeview Ranch’s desire to resolve matters relating to the Lakeview Ranch and SSJID properties without litigation.

CONSENT CALENDAR

- A. Approval of Warrants in the amount of \$698,818.31; Accounts Payable Wires in the amount of \$228,748.80; and payroll dated February 1, 2019 in the amount of \$211,608.30.
- B. Approval of the regular Board Meeting Minutes of January 29, 2019.
- C. Accept and File Notice of Completion for the SSJID Control Box Pour Over Wall Modifications Project (SSJID – 18007).
- D. Consent to SSJID’s entry of property to read and to maintain flow meter for George and Jean Tavares, APN 229-250-08.
- E. Consider encroachment request from City of Ripon for sidewalk improvements and conduit crossings at Lateral Ya.
- F. Consent to SSJID’s entry of property to read and to maintain flow meter for Jon and Sarah Van Klompenburg Family Trust, APN 205-060-06.

A motion was made by Director Roos and seconded by Director Kuil to approve the Consent Calendar as submitted.

The motion passed 5 to 0 by the following roll-call vote:

AYES: HOLBROOK HOLMES KAMPER KUIL ROOS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

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COMMUNICATIONS

Director Holmes said the Employee Annual Recognition dinner was a successful event and he thanked everyone involved in planning the event. He attended the first Water Master Plan growers meeting and said that it was well attended and there were good conversations. Water on demand for the entire District was high on the priority list. He plans to ask the DIRT committee to plan a pilot run using pressurized water in one of the Districts.

Director Roos enjoyed the Employee Annual dinner and said that it was well planned.

Director Kuil also said the Employee annual dinner was well planned and very nice. He stated that the Eastern San Joaquin Groundwater Authority Meeting is on Wednesday, February 13.

Ed Erisman, Water Treatment Plant Manager:

- Staff installed a temporary, emergency generator at the L1 booster station in Lathrop. The City is having issues with some of their wells and until these issues are resolved, they will be getting their water exclusively from SSJID through the L1 booster site. This site does not have a permanent emergency generator so in order to ensure reliable supplies of drinking water and firefighting capabilities, the temporary generator was rented and installed last week. The generator is towable, 400 kVA, diesel unit that will provide enough power to run two pumps at maximum loads.
- Staff spoke with Jim Marshal from the State Waterboards to discuss the possibility of discharging water from the plant's drying beds and storm water retention basins into the canal during the irrigation season. He told us that this could be possible but that lab analysis would need to be done first in order to determine the levels of constituents in these waste streams. Testing of the canal water would also need to be done to determine baseline levels. Dilution factors will be considered so even if the lab analysis reveals elevated levels of constituents there is still a possibility of discharging but at reduced rates. We have contacted a local lab for pricing and will conduct tests as soon as the irrigation season starts up.
- Pumps at the M2 booster site have been in service for 14 years and they are showing their age. Pump #2 has a very loud vibration that can be felt all the way out to the street in front of the site. Staff will be pulling and rebuilding all of these pumps and motors starting with #2 tomorrow. Plans are to complete all of the work, including the VFD replacements, before the increased summer demand.

Joe Hasten, Irrigation Services Supervisor:

Water/Maintenance Department

- Crews are almost done with the W and Wc lines; they are scheduled to finish that project by next week depending upon the weather.
- Hardware is being installed on the float valve projects and staff should be done with that by the end of next week.
- Staff started the maintenance work on the Joint Supply Canal and will be done with that work by the end of week; work on the Main Supply Canal will begin next week.
- Staff are now performing bank repairs on the dirt part of the Main Supply Canal next to the Condi property. This is to stop water seepage in that area.

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- There is one more box to repair that was not on the list this season. The T-3DD control box was destroyed possibly by a truck but no confirmation on how the damage was done. Things are going well and should be done in eight days.

Shop Department

- Welding crews are busy fabricating slide gates and installing trash racks. They are about ready to install the walkway for the RQ-divide.
- Gas pumps are expected to be completed by the end of this week.

MDC/Telemetry Department

- Staff is busy working on the Telemetry for new Slip-Meters for the W and the WC lines, and have finished installing the Rubicon gates at the RQ-Divide. They are scheduled to have the Telemetry working on these gates by next Tuesday.
- They continue to work with the SCADA program upgrades to display the new changes with the division realignment; they are working on the last changes for the GIS map on the operation screens.

Forrest Killingsworth, Engineering Department Manager:

Developments

- Sundance Unit 4 – The section of Lateral Ya replacement has been completed. The contractor is now working on installing the Drain 8 pipeline and is making good progress towards completion prior to March 1.
- Delicato Qn-Qk Pipeline – SSJID held a preconstruction meeting with Delicato and Brock Construction yesterday, February 11, 2019. Construction is anticipated to start tomorrow, February 13, 2019. The contractor has been provided with a March 1 deadline to complete the structures at the connection points and have the District's distribution system ready to deliver water. Delicato and the Contractor have been informed that any additional extensions of time will require special board approval and is in no way guaranteed.

Water Master Plan

- SSJID held its first Advisory Committee meeting with members from Director Kamper and Director Holmes divisions yesterday, February 11, 2019, and it went well. It was a good opportunity to take a pulse on our customers' perceptions and desires. The group should be well situated to provide valuable guidance as the Master Plan takes shape.
- The second meeting with members from Directors Kuil, Roos, and Holbrook's divisions will take place tomorrow at 1pm.

Canyon Tunnel

- The kickoff meeting was held last Monday, February 4 and was successful.
- Two land owners, Jim Mangante and Bob Bruncker, have been verbally contacted and seem willing to cooperate and to allow access on their property.

Peter Rietkerk, General Manager:

He reported on the following items:

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Water Supply Update:

- Precipitation
 - San Joaquin River 5 Station Index is measuring approximately **27.7 inches** or **121-percent** of average precipitation to date for the 2018 - 2019 water season.
 - Northern Sierra 8-Station Index indicates approximately **32.3 inches** or **105-percent** of average precipitation to date for the 2018-2019 water season.
- Snowpack
 - Northern California Sierra snow sensors are measuring approximately **83-percent** of April 1 average and **112-percent** of normal to-date.
 - Central California Sierra snow sensors are measuring approximately **98-percent** of April 1 average and **135-percent** of normal to-date.
 - Southern California Sierra snow sensors are measuring approximately **96-percent** of April 1 average and **138-percent** of normal to-date.
- Reservoir Storage
 - New Melones storage is currently at **1,922,924 AF**, or **80-percent** of capacity. Top of Conservation Storage limit is 1,970,000 acre-feet. The top of conservation limit starts increasing on April 1st, ramping to 2,420,000 acre-feet by June 1 – September 15, then ramping down to winter levels by November 1st.

Meetings

- 2/6/2019 – SJTA Meeting
- 02/11/2019 – Water Master Plan Growers Advisory Meeting

ACTION CALENDAR

Item #2 – Consider amendment to Service Abandonment Agreement for David and Gina Roos (APN 245-110-34, 35, & 36)

Mr. Forrest Killingsworth, Engineering Department Manager, stated the owner would like to amend the existing service abandonment agreement so the property can be eligible to receive District water. He said the existing parcels are currently irrigated with a sprinkler system.

The Engineering Department and the Water Department have verified that operations staff can provide sprinkler service per District specifications on a regular rotation as designated and approved by the District. Specific conditions for approval that staff recommends are outlined as follows:

1. Flood Irrigation

- a) Lateral “Ob” is capable of delivering flood water to the Subject Property, however, private improvements including irrigation valves are required to allow flood irrigation. Owner is responsible for installing all improvements necessary to deliver flood irrigation to the Subject Property in accordance with District’s Standard Plans and Specifications (“District Standards”) at Owner’s expense as a condition to receiving water.
- b) If Owner desires that the Subject Property receive water service by any means other than flooding, Owner is required to install all improvements District determines to be necessary in accordance with District Standards, or to upgrade existing facilities as necessary to be in accordance with the District Standards, at Owner’s expense. Such improvements may include, but shall not be limited to, a flow meter.

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2. Sprinkler or Drip Irrigation

- a) Irrigation water for sprinkler or drip irrigation can be made available to the Subject Property through SSJID Lateral “Ob”. The Owner shall connect to the SSJID facility and construct a private sump and meter. Because Lateral “Ob” is a dead end line, the grower will be required to spill any excess water on his property. The sprinkler sump will be required to have a spill outlet per District standards. Connection will be subject to District's approval of a structure permit application and issuance of the permit.

3. One Year provision. By action dated January 13, 2015, which amended the Policy for Rescinding Irrigation Service Abandonment, Owner is not subject to a one-year waiting period for the Subject Property to receive District water.

All other standard language for Service Abandonment Agreement Amendments (including flow measurement requirements, access, responsibility of costs, etc.) shall be included in the amendment document.

A motion was made by Director Kuil and seconded by Director Holmes to approve the Agreement to Amend Irrigation Service Abandonment Agreement for APN 245-110-34, 245-110-35, and 245-110-36 subject to the conditions stated above and a revision to the standard agreement that further reflects those conditions. Approval shall be subject to the terms and conditions specified in the revised policy entitled “Policy for Rescinding Irrigation Service Abandonment. The motion passed 4 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER KUIL
NOES:	NONE
ABSTAIN:	ROOS
ABSENT:	NONE

Item #4—Consider actions regarding the start of the 2019 Water Season

A motion was made by Director Holmes and seconded by Director Roos to tentatively set the start of water season date to March 11. This item will be reviewed at the next Board meeting on February 26. The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER KUIL ROOS
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

Item #5 – Review and consider approval of an Out-of-District water service program for 2019

Mr. Peter Rietkerk, General Manager, stated that last year the Board approved an Out-of-District water service program which included a \$200 non-refundable application fee to cover the cost of staff time to review applications and plans, develop agreements, and administration.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION NO. 19-03-W**

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**APPROVING THE ADMINISTRATION OF A
2019 OUT-OF-DISTRICT
WATER SERVICE PROGRAM**

WHEREAS, the South San Joaquin Irrigation District is an irrigation district organized and existing pursuant to Division 11 of the California Water Code (“District”); and

WHEREAS, District is co-owner of certain water rights on the Stanislaus River, including pre-1914 appropriative rights to divert water from the Stanislaus River; and

WHEREAS, District wishes to promote beneficial use of surface water supplies; and

WHEREAS, due to changes in land use patterns, ongoing conservation measures, facility improvements and other measures, District will have water that is surplus to the needs of its landowners and water users in accordance with California Water Code Section 22259; and

WHEREAS, District overlies a portion of the Eastern San Joaquin Groundwater Subbasin, identified by the California Department of Water Resources as a critically overdrafted subbasin; and

WHEREAS, the District is interested in administering an Out-of-District Water Service Program (“Program”), to make surplus surface water available for application on a temporary basis to lands outside of District boundaries for the 2019 irrigation season; and

WHEREAS, the offering of surface water service to lands outside of the District boundaries and within the local groundwater subbasin on a temporary basis will promote sustainable groundwater management by potentially offsetting groundwater consumption and creating in-lieu groundwater recharge benefits; and

WHEREAS, by providing an Out-of-District Water Service Program, District intends to (1) keep agriculture viable within the immediate vicinity of District and benefit District’s water users and landowners; (2) provide for the reasonable and beneficial use of water supplies that are temporarily surplus to the needs of District’s landowners and customers; and (3) safeguard the District’s water rights for the long-term by ensuring that such rights are continually put to reasonable and beneficial use; and

WHEREAS, participation in the Program is subject to the certain terms and conditions outlined in the South San Joaquin Irrigation District Out-of-District Water Service Program, and which terms and conditions are made binding upon participants by entering into an “Out-of-District Water Service Program Agreement” with the District;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The South San Joaquin Irrigation District’s Board of Directors finds that the above recitals are true and correct.

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2. The Board of Directors approves the Out-of-District Water Service Program for the 2019 Water Season, attached hereto as “Exhibit A,” and directs staff to administer the Program based on the terms and conditions of the Program.
3. The Board of Directors finds that the Out-of-District Water Service Program is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to Water Code section 1729, exempting temporary changes described under Water Code section 1728 from the requirements of Division 13 (commencing with Section 21000 of the Public Resources Code). The Board further finds that the Out-of-District Water Service Program will not result in the change in operation or expansion of the District’s existing diversion and pumping facilities, and will not result in a significant effect on the environment, and approves and directs District staff to file a Notice of Exemption regarding the same.
4. The Board of Directors further finds the Out-of-District Water Service Program will not injure any legal user of water and will not unreasonably affect fish, wildlife, other instream beneficial uses, and will not affect the overall economy of the area within the District’s boundary.

A motion was made by Director Holbrook and seconded by Director Holmes to take no action and the Pressurization Charge will automatically increase from \$45 to \$47 per acre-foot in accordance with the rate design that was adopted after the public hearing held February 23, 2016.

The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER KUIL ROOS
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

**South San Joaquin Irrigation District
Out-of-District Water Service Program**

Introduction:

The South San Joaquin Irrigation District (“SSJID” or “District”) Board, pursuant to Resolution Number 19-03-W, has authorized the administration of a 2019 Out-of-District Water Service Program (“Program”). The Program was developed to provide temporary irrigation service to lands outside of SSJID boundaries when surplus surface water supplies are available. This type of service is distinguished from other District water transfer transactions in that deliveries of water under this Program occurs in a “retail” capacity, through direct connection to the existing SSJID agricultural distribution system, drainage system, or through existing waterways and drainages that flow through SSJID’s boundaries.

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The Program was created to benefit SSJID and regional stakeholders when surplus surface water supplies exist. The Program will promote beneficial use of surface water and also make surplus surface water supplies available to areas within the critically over drafted Eastern San Joaquin Groundwater Subbasin that typically irrigate with groundwater. Surface water deliveries within these areas may promote in-lieu groundwater recharge and support sustainable groundwater management activities within the local subbasin.

Terms and Conditions:

Participation in the Program is subject to the following terms and conditions:

1. Eligibility. Participant is owner of that real property identified as APN_____ (“Subject Property”), which is located outside of the District boundaries and within the Eastern San Joaquin Groundwater Subbasin.
 - a. Tenants, leaseholders, or operators of the Subject Property will be responsible for obtaining all Participant landowner approvals in order to participate in the Program. SSJID may require evidence of property ownership prior to delivery of water under the Program.
2. Program and surplus water availability. Program availability is subject to annual consideration and approval by the District Board of Directors, including determination of surplus water supplies available to the Program. The District is under no obligation to provide future irrigation service to Participant, nor enter into subsequent agreements for the same.
3. Term. Participant requests to receive water under the Program from the date of this agreement until September 30, 2019.
4. Applicable Fees and Charge. Participant agrees to pay the following administrative and volumetric charges:
 - a. Participant shall reimburse District for all reasonable and direct costs incurred by it for legal, engineering review, inspection, and other services in connection with the preparation and administration of this agreement to benefit the Participant’s parcel. The Participant and District acknowledge the Participant has deposited a non-refundable charge of \$200.00 toward this purpose (“Application Fee”).
 - b. Participant shall pay \$80.00 per acre-foot of water delivered under this Program.
 - c. Prior to the delivery of water under this Agreement, Participant shall provide an estimate of total water to be used under this Agreement and make payment to the District for 50-percent of the total estimated volumetric water charges owed in addition to the non-refundable Application Fee.
 - d. The District shall refund pre-payment of volumetric water charges for undelivered water in October of the agreement year.

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5. Beneficial use. Participant shall use water delivered under the Program for agricultural purposes only, and shall not be used directly or indirectly for any domestic, commercial, or industrial purpose. Participant shall demonstrate that water received is put to reasonable and beneficial use at all times, and District's Irrigation Department shall have the authority to determine whether use is unreasonable and/or non-beneficial.
6. Rules and Regulations. Participant agrees to comply with the District's Rules and Regulations for the Distribution of Water within the South San Joaquin Irrigation District, as well the terms and conditions of this Program. Failure to comply with these requirements will result in immediate forfeiture of water deliveries by the District.
7. Drainage. Participant assumes all responsibility and liability for the physical management and regulatory compliance of drainage resulting in the delivery of Program water. Upon request, Participant must provide proof of compliance with the Irrigation Lands Program.
8. Access. Participant agrees to provide direct access to the Subject Property for vehicle ingress and egress by District employees and agents during the term of this Agreement, to ensure compliance with the terms and conditions of this Agreement.
9. Participant facilities.
 - a. Participant agrees to install, operate and maintain the facilities necessary to transport said water from the District's existing delivery facilities to the Subject Property at Participant's sole cost and expense, and in a manner that does not interfere with District's operations.
 - b. All deliveries of Program water shall only be made through District-approved facilities. The specific type, location and design of the facilities shall meet all District standards. Participant shall provide written plans of proposed facilities to the District for review and the District shall provide approval in writing prior to any construction.
 - c. District shall determine minimum facilities requirements including but not limited to lockable positive shut-off valves for permanent facilities, and installation of an approved flow-meter.
 - d. Participant shall at all times protect District's facilities, including but not limited to canals, ditches, pipelines, control boxes, valves, banks and roads; from destruction, damage, erosion, or impedance resulting from Participant's installation and operation of said facilities, and any and all such destruction, damage, erosion or impedance shall be repaired promptly and to the reasonable satisfaction of the District, at the sole expense of Participant.
 - e. District is under no obligation, either now or in the future, to furnish, construct, or maintain any facilities on behalf of the Participant or the Subject Property.

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- f. The District reserves the right to require the removal of Participant's facilities upon termination of Participant's participation in the Program. Should removal of Participant's facilities be required by the District, Participant agrees to pay all costs incurred for retiring those facilities that are no longer needed for water deliveries under the Program.
10. Priority. The provision of water under this Program is subordinate in priority to existing District customers, including in-District agricultural customers, those served under annexation agreements, City customers receiving water from the Nick DeGroot Water Treatment Plant, and other priority beneficial uses the District determines to be in the best interest of SSJID. Participant is afforded service only after meeting these priority demands under SSJID's existing contracts, rules, regulations, and policies.
11. Encroachments. Participant is responsible for acquiring all third-party agreements necessary to convey water across adjacent parcels for the benefit of Participant's property.
12. Permitting. Participant shall be solely responsible for any and all permitting necessary to participate in the Program, including environmental, state or local agency permitting.
13. No Assignment or Resale. The permission granted by this Agreement is personal and unassignable, and such permission constitutes a license only, irrevocable in accordance with the terms of this Agreement, and for the time period specified herein. This Agreement does not grant or create an easement, nor does it convey or transfer to Participant any right, title or interest in or to any property of the District. Furthermore, Participant agrees that water provided under this Program is for the sole benefit of the Subject Property, and such water cannot be resold or reassigned to another parcel or Participant.
14. Indemnification. Participant hereby acknowledges that the District sells water as a commodity only and not as a guaranteed service, and therefore agrees to hold the District, its officers, agents, and employees free and harmless from any liability or damage, including loss of profit or prospective business advantage, which may occur, arise or result from defective water quality, water shortage, fluctuation in flow or interruptions in service.

Furthermore, Participant shall indemnify and hold harmless the District, its directors, officers, employees, agents, or representatives, for and from any and all liabilities, costs, demands, damages of any kind, or any other legal claims arising from or related to Participant's conduct or activities arising from or related to Program participation.

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General Counsel announced that all items in closed session would be discussed, and then adjourned to closed session.

Item #6 – Closed Session

6. a. Conference with Legal Counsel – Anticipated Litigation
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9
 - 3 cases

- b. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Section 54956.9
 - 3 cases

- c. Conference with Legal Counsel – Existing Litigation
Paragraph (1) of subdivision (d) of Government Code Section 54956.9
 - 4 cases
 - SAN JOAQUIN TRIBUTARIES AUTHORITY, et al., vs. CALIFORNIA STATE WATER RESOURCES CONTROL BOARD*
County of Tuolumne Superior Court
Case No. CV62094

 - SSJID vs. PG&E*
Appeal from Judgment of Dismissal Pending:
In the Court of Appeal for the State of California, Third Appellate District
Case No. C086319
Superior Court for San Joaquin County
Case No. STK-CV-UED-2016-0006638

 - PG&E vs. San Joaquin LAFCo; SSJID, Real Party in Interest*
In the Court of Appeal for the State of California, Third Appellate District
Case No. C086008
Superior Court for San Joaquin County
Case No. STK-CV-UJR-2015-0001266

 - SSJID vs. Lakeview Ranch Partners*
Superior Court for Stanislaus County
Case No. 2028441

- d. IBEW Labor Negotiations
California Government Code Section 54957.6
Agency Negotiator: General Manager
Employee Organizations: IBEW Local 1245

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- f. Conference with Real Property Negotiators
Government Code Section 54956.8
Property: Water
Agency Negotiator: General Manager
Negotiating Parties: SSJID, Stockton East Water District (SEWD)
Under Negotiation: Price and terms of payment

- g. Conference with Real Property Negotiators
Government Code Section 54956.8
Property: Water
Agency Negotiator: General Manager
Negotiating Parties: SSJID, San Luis & Delta Mendota Water Authority (SLDMWA),
Bureau of Reclamation, State Water Project Contractors
Under Negotiation: Price and terms of payment

The Board reconvened to open session at 11:43 a.m.

Disclosure of reportable actions taken in Closed Session, pursuant to Government Code Section 54957.1: There were no reportable actions taken in Closed Session.

Item #4 – Consider approval of side-letter with IBEW allowing Alternative Work Schedules for Control Room Department

A motion was made by Director Holmes and seconded by Director Holbrook to approve a side-letter with IBEW allowing Alternative Work Schedules for the Control Room Department and allowing the General Manager to make non-substantive changes as necessary. The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER KUIL ROOS
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

Item #7 – ADJOURNMENT

A motion was made by Director Holbrook and seconded by Director Kuil to adjourn the meeting at 11:49 a.m. The motion passed 5 to 0 by the following vote:

AYES:	HOLBROOK HOLMES KAMPER KUIL ROOS
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

ATTEST: _____

Betty L. Garcia, Clerk of the Board